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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,689	12/14/2001	GopalaKrishna Reddy Kakivaya	MSFT-0737/183219.1	5665
41505 7590 09/28/2007 WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION) CIRA CENTRE, 12TH FLOOR 2929 ARCH STREET PHILADELPHIA, PA 19104-2891			EXAMINER LE, DEBBIE M	
			ART UNIT 2168	PAPER NUMBER
			MAIL DATE 09/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/017,689

Applicant(s)

KAKIVAYA ET AL.

Examiner

DEBBIE M. LE

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 20, 2007 has been entered. Claims 1-6, 8-19 are pending for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-6, 8-13, 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Memmott et al (US Patent 6,560,591 B1).

As per claim 1, Memmott discloses a computer-implemented method performed by a computing device for querying a data structure in a distributed computing environment, comprising:

preparing a query specifying the constraints to be applied on at least two data structure wherein each data structure is stored in a different data format (col. 3, lines 26-41, a query be formatted in object-oriented formats such as Managed object format and syntaxes such as XML, wherein the query may conform to at least one among the distributed management schemes. In the query is a query characteristic that identifies the information requested and/or the subject matter of the query, for example, a query relating to a DVD);

sending the query to at least two different objects (col. 3, lines 50-53, a data resolver forwards the received query request to a data providers 130a-130n), **wherein each object determines whether an in-memory data structure maintained by each object satisfies the query** (Fig. 7, col. 6, lines 3-14, determination whether data responsive to the query is available from the corresponding data provider);

receiving the results from the query from the at least two different objects (col. 6, lines 20-24, once data responsive to the query has been obtained, a response based on the data is transmitted to the data requestor).

As per claim 2, Memmott teaches wherein the query is specified as a text string (col. 4, lines 4-9, col. 5, lines 43-52).

As per claim 3, Memmott teaches wherein the data structure is stored as one of XML, database tables, and a programming language data structure (col. 3, lines 31-35).

As per claim 4, Memmott teaches receiving a data value from at least one digital device indicative of the storage of the value in said digital device wherein one of the at least two different objects resides on the digital device (col. 3, lines 35-40).

As per claim 5, Memmott teaches the digital device comprises one of a personal computer, personal digital assistant, video tape recorder, a display device, and an MP3 player (col. 4, lines 38-52).

As per claim 6, Memmott teaches wherein the query is sent in the form of a message over a data network (col. 5, lines 43-52).

Claim 8 is rejected by the same rationale as state in claim 1 arguments.

Claims 9-12 have similar limitations as claims 2-5; therefore, they are rejected under the same subject matter.

As per claim 13, Memmott discloses a method for use in a digital device in a distributed system, comprising:

coupling the digital device to a communication network (Fig. 1, data providers 130a-130n);

storing a value in a data structure in said digital device (col. 3, lines 33-35, col. 4, lines 37-53, as distributed schemes, wherein the types of data stores in data

providers 130, such as data relates to the capacity of a DVD drive, a hardware device, storage device, etc.), **said data structure defined by a programming language data type definition** (col. 3, lines 39-41, an object class, a subclass);

receiving a query specifying a query data type and a query value (col. 3, lines 26-41, a query be formatted in object-oriented formats such as Managed object format and syntaxes such as XML, wherein the query may conform to at least one among the distributed management schemes, wherein the query is received by the data resolver and forwards a query request from a requestor to a data provider);

comparing the query data type to the data structure data type and the query value to the value stored in the data structure (Fig. 7, col. 6, lines 3-14, determination whether data responsive to the query is available from the corresponding data provider));

indicating in a response to the query whether the query data type matches the data structure data type and whether the query value matched the value stored in the data structure (col. 6, lines 20-24, once data responsive to the query has been obtained, a response based on the data is transmitted to the data requestor).

As per claim 14, Memmott teaches wherein the programming language is one of a procedural language and an object oriented language (col. 3, lines 28-30).

As per claim 15, Memmott teaches wherein the programming language is one of an interpreted language and a compiled language (col. 3, lines 28-30).

As per claim 16, Memmott teaches wherein the object oriented language is one of JAVA, C#, CLR, and C++ (col. 3, lines 28-30).

Claims 17-19 have similar limitations as claims 2, 5-6; therefore, they are rejected under the same subject matter.

Conclusion

The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M. LE whose telephone number is (571) 272-4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Debbie M. Le
DEBBIE LE
PRIMARY EXAMINER
9/24/07